

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-326-C**

IN RE:

Analysis of Continued Availability of Unbundled)
Local Switching for Mass Market Customers)
Pursuant to the Federal Communication)
Commission's Triennial Review Order)
_____)

**PBT COMMUNICATIONS, INC.'S OBJECTIONS AND RESPONSES TO
BELLSOUTH'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS (1-21)**

PBT Communications, Inc. ("PBT"), pursuant to the South Carolina Rules of Civil Procedure, the South Carolina Public Service Commission's Rules of Practice and Procedure (S.C. Code of Regulations R. 103-800, *et seq.*), and Commission Order No. 2003-730 ("Procedural Order"), objects generally and specifically to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents ("BellSouth's Requests") to PBT, served on December 8, 2003 as described below, and provides the responses to BellSouth's Requests as set forth below.

PBT reserves the right to amend, supplement, or revise these objections, and assert additional objections, should PBT discover additional grounds for objecting at any time prior to hearing.

General Objections to BellSouth's Requests

1. PBT objects to BellSouth's Requests to the extent that they are overly broad, lack specificity, are unduly burdensome or excessively time-consuming, or are irrelevant and not

likely to lead to the discovery of admissible evidence pursuant to the Procedural Order, the South Carolina Rules of Civil Procedure, or applicable South Carolina law.

2. PBT objects to BellSouth's Requests to the extent that they seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. PBT objects to BellSouth's Requests to the extent that they purport to impose discovery obligations on PBT beyond the scope of what is permitted under the Procedural Order, the South Carolina Rules of Civil Procedure, or applicable South Carolina law.

4. PBT objects to BellSouth's Requests to the extent that they purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or applicable South Carolina law.

5. PBT objects to all Requests that require the disclosure of information that already is in the public domain, that is in the possession of BellSouth or is readily obtainable by BellSouth, or that is otherwise on record with the Commission or the FCC.

6. PBT objects to BellSouth's Requests to the extent that they seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to the South Carolina Rules of Civil Procedure or applicable South Carolina law.

7. PBT objects to BellSouth's Requests to the extent that they request specific financial, business or proprietary information regarding PBT's economic business model, on the grounds that those requests presume that the market entry analysis is contingent upon

PBT's economic business model instead of the hypothetical business model contemplated by the TRO.

8. PBT objects to BellSouth's definitions of "hot cut," "batch hot cut," "individual hot cut," "coordinated cut over" and "coordinated time-specific cut over" and each and every request that includes such terms, as such definitions are vague and not adequately defined in that it is not clear whether or to what extent BellSouth's practices are consistent with the FCC's use of such terms. The reference in BellSouth's definition of "hot cut" to the "entire process" is vague in that it is not clear whether this includes number portability or whether it is limited to the physical process of transferring a customer. The term "batch" is vague in that it is unclear how many lines or customers constitute a "batch" or whether conversion of a single customer with several accounts would constitute a "batch." BellSouth's use of the term "individual hot cut" is vague in that it is defined with reference to "batch hot cuts," which is itself vague and ambiguous. BellSouth's definitions of "coordinated cut over" and "coordinated time-specific cut over" are vague and ambiguous. The distinctions among BellSouth's definitions for "hot cuts," "individual hot cuts," "coordinated cut overs" and "coordinated time-specific cut overs" are unclear. Thus, such discovery is over broad and it would be unduly burdensome for PBT to respond to such ambiguous discovery. PBT further objects to BellSouth's use of such terms as they apply to BellSouth's individual hot cut process as PBT is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

9. PBT objects to BellSouth's definition of "business case" as vague and overly broad.

10. PBT objects to BellSouth's definition of "voice grade equivalent lines" as vague

and ambiguous and subject to differing interpretations.

11. PBT objects to the definitions for "qualifying service" and "non-qualifying service," and each and every request that includes such terms, as PBT does not use such terms in the ordinary course of business and answering in these terms would require PBT to provide a legal interpretation of the FCC's terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC stated in footnote 466 of the TRO, "Our list is intended to identify general categories of services that would qualify as eligible services. It is not intended to be an exhaustive list or to identify services in a more particular manner." Thus, such discovery is overly broad and it would be unduly burdensome for PBT to respond to such ambiguous discovery.

12. PBT objects to BellSouth's Requests to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

13. PBT objects to BellSouth's Requests to the extent that the information requested constitutes "trade secrets" or to the extent that the information requested would require the disclosure of customer specific information.

14. PBT objects to BellSouth's Requests to the extent that they seek information regarding PBT's operations in ILEC service areas other than BellSouth ILEC service areas within the State of South Carolina, as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

15. PBT objects to BellSouth's Requests to the extent they seek information

regarding PBT's projections regarding future services, revenues, marketing, strategies, equipment deployments, or other such future business plans, as such information constitutes trade secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket. Moreover, PBT's future plans are irrelevant because the TRO concerns a hypothetical CLEC.

RESPONSES

Subject to the foregoing objections, PBT respectfully submits the following responses to the BellSouth Requests. In each instance, the foregoing general objections are restated, adopted and incorporated as if set forth verbatim in response to each and every request for the production of documents. In addition, to the extent a particular request corresponds or relates to one of the 84 interrogatories propounded in BellSouth's First Set of Interrogatories served on PBT on December 8, 2003, the specific objections stated in response to that interrogatory are incorporated by reference herein in response to the particular request for production.

REQUESTS FOR PRODUCTION

1. Produce all documents identified in your responses to BellSouth's First Set of Interrogatories.

RESPONSE:

The only documents identified in response to BellSouth's First Set of Interrogatories are tariffs, which are on file with the Public Service Commission of South Carolina and are available to the public.

2. Produce every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service in the State of South Carolina.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

3. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in South Carolina to whom you only provide qualifying service.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 7, 11, 13, and 14 as if set forth herein verbatim.

4. Produce all documents referring or relating to the average number of access lines you provide to end user customers in South Carolina to whom you only provide qualifying service.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 7, 11, 13, and 14 as if set forth herein verbatim.

5. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in South Carolina to whom you only provide nonqualifying service.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 7, 11, 13, and 14 as if set forth herein verbatim.

6. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in South Carolina to whom you provide both qualifying and non-qualifying service.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 7, 11, 13, and 14 as if set forth herein verbatim.

7. Produce all documents referring or relating to the average number of access lines you provide to end user customers in South Carolina to whom you provide both qualifying and non-qualifying service.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 7, 11, 13, and 14 as if set forth herein verbatim.

8. Provide all documents referring or relating to the classifications used by Company to offer service to end user customers in South Carolina (e.g., residential customers, small business customers, mass market customers, enterprise customers, and/or any other type of classification that you use to classify your customers).

RESPONSE:

Such classifications are set forth in PBT's tariffs, which are on file with the Public Service Commission of South Carolina and are available to the public.

9. Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by Company, as requested in BellSouth's First Set of Interrogatories, Interrogatory No. 34.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

10. Produce all documents referring or relating to the typical churn for each class or type of end user customer served by Company, as requested in BellSouth's First Set of Interrogatories, Interrogatory No. 35.

RESPONSE:

PBT does not possess any such documents.

11. Produce all documents referring or relating to how Company determines whether to serve an individual customer's location with multiple DSOs or with a DS 1 or larger transmission system.

RESPONSE:

PBT does not possess any such documents.

12. Produce all documents referring or relating to the typical or average number of DSOs at which Company would choose to serve a particular customer with a DS 1 or larger transmission system as opposed to multiple DSO, all other things being equal.

RESPONSE:

PBT does not possess any such documents.

13. Produce all documents referring or relating to the cost of capital used by Company in evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

14. Produce all documents referring or relating to the time period used by Company in evaluating whether to offering a qualifying service in a particular geographic market (e.g., one year, five years, ten years or some other time horizon over which an offering of qualifying service(s) is evaluated)?

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

15. Produce all documents referring or relating to your estimates of sales expense when evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

16. Produce all documents referring or relating to your estimates of general and administrative (G&A) expenses when evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE:

PBT restates, adopts and incorporates its General Objections 1, 2, 3, 4, 7, 9, 11, 13, 14, and 15 as if set forth herein verbatim.

17. Produce all documents referring or relating to any complaints by Company or its end user customers about individual hot cuts performed by BellSouth since January 1, 2000.

RESPONSE:

PBT does not possess any such documents.

18. Produce all documents referring or relating to a batch hot cut process used by any ILEC in the BellSouth region that is acceptable to Company or that Company believes is superior to BellSouth's batch hot cut process.

RESPONSE:

PBT does not possess any such documents.

19. Produce all documents referring or relating to an individual hot cut process used by any ILEC in the BellSouth region that is acceptable to Company or that Company believes is superior to BellSouth's individual hot cut process.

RESPONSE:

PBT does not possess any such documents.

20. Produce all documents referring or relating to a batch hot cut process used by any ILEC outside the BellSouth region that is acceptable to Company or that Company believes is superior to BellSouth's batch hot cut process.

RESPONSE:

PBT does not possess any such documents.

21. Produce all documents referring or relating to an individual hot cut process used by any ILEC outside the BellSouth region that is acceptable to Company or that Company believes is superior to BellSouth's individual hot cut process.

RESPONSE:

PBT does not possess any such documents.

Respectfully submitted this 14th day of January, 2004.

/s/ _____
M. John Bowen, Jr.
Margaret M. Fox
MCNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

ATTORNEYS FOR PBT
COMMUNICATIONS, INC.

Columbia, South Carolina